

REMARKS

Reconsideration and allowance of the present application based on the foregoing amendments the following remarks are respectfully requested.

Claims 53, 55, and 60-66 are currently pending in the present application.

Independent claim 53 stands rejected in the last Action, issued before the filing date of the RCE which this Amendment accompanies. Specifically, claim 53 stands rejected under §103 as being obvious over JP 04-039090 to Mitsubishi Paper Mills (the Mitsubishi patent). Reconsideration of this rejection is requested based on the following distinguishing comments.

Claim 53 has been amended to more distinctly claim that the polymethylpentene (PMP) layer or coating is “applied . . . directly on the backing sheet.” This limitation distinguishes claim 53 from the Mitsubishi patent, which teaches that there is an anchor layer between its PMP layer and its backing sheet. The manner in which this limitation distinguishes claim 53 can be best appreciated in the context of the different uses these two products are designed for.

The invention of claim 53 is designed specifically for image transfer, which means that an image formed on the PMP layer is to be transferred to another article. As discussed extensively in the patent specification, the use of PMP in this context is highly advantageous because it fuses with the printed image and some of it will transfer off with the image, thus providing an enhanced image on the target article. To ensure that the PMP layer or coating is uncontaminated and can be effectively transferred off with the image, the invention of claim 53 is structured such that the PMP layer or coating is provided directly on the backing sheet. This means that there is no intervening anchor layer provided to secure the PMP layer or coating. If an anchor layer were used, the anchor layer is likely to migrate into

the PMP layer or coating during formation, thus contaminating at least part of the PMP layer or coating. Because an anchor layer is designed to anchor the PMP layer or coating, its properties would be such that it would have a bonding characteristic that would likely inhibit the PMP layer from coming off with image being transferred. At the very least, the migration of an anchor layer into the PMP runs the risk of detracting from its image enhancing characteristics. As such, to ensure the purity of the PMP layer or coating, the Applicant has invented the construction of claim 53 with the PMP layer or coating directly on the backing sheet such that there is no intervening layer that could interfere with the image transfer performance of the PMP layer or coating.

The Mitsubishi patent, however, specifically teaches the use of an anchor layer between the PMP layer and the backing sheet (see pages 12-13 of the Translation filed in an IDS herewith). Thus, at the very least, the Mitsubishi patent cannot anticipate claim 53. Further, the Mitsubishi patent has no teachings whatsoever in regard to image transfer, and one would not look to it for motivation in developing a suitable image transfer material. Instead, the Mitsubishi patent appears to be concerned only with constructing a paper suitable for normal printing operations, e.g., printing where the goal is to retain the image on the paper. The use of the anchor layer is consistent with this, as its anchoring function will inhibit the PMP from delaminating or otherwise coming off the paper, thus ruining the image. In contrast, image transfer is directed to achieving the opposite result – the ability to remove the image from the paper onto some other target. For the reasons discussed above, using the teachings of the Mitsubishi patent in image transfer is likely to be ineffective because of its use of the anchor layer. Thus, the Applicant also submits that the Mitsubishi patent cannot render claim 53 obvious.

Accordingly, for the foregoing reasons, claim 53 is submitted to be patentable over the Mitsubishi patent and withdrawal of the outstanding rejection against claim 53 is respectfully requested.

Claims 55 and 60 depend from claim 53 and are submitted to distinguish from the art of record for at least the reasons advanced above with respect to claim 53, and for the additional reason that they each recite additionally patentable features.

Claim 61 has also been amended to recite that the PMP layer is applied directly on the backing sheet, and thus is submitted to be patentable for the same reasons as advanced above with respect to claim 53. Claims 62-66 depend from claim 61 and are submitted to distinguish from the art of record for at least the reasons advanced above with respect to claim 61, and for the additional reason that they each recite additionally patentable features.

With respect to the Section 112, paragraph 2 rejection, the language objected to by the Examiner has been removed from the claims.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in a condition for allowance and a Notice to that effect is earnestly requested.

In re Mabbott Application
Application No. 08/716,360

If the Examiner has any questions concerning this response, or the application in general, he is encouraged to contact the undersigned at the below-listed telephone number to help facilitate prosecution of this application.

Respectfully submitted,

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